

NOT FOR PUBLICATION

CLOSED

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MUNZING NORTH AMERICA, LLC,

Plaintiff,

v.

MANAGED BENEFIT PLANS, INC., et al.,

Defendants.

Civil No. 13-5818 (FSH)

ORDER

Date: June 2, 2014

HOCHBERG, District Judge:

This matter comes before the Court upon Plaintiff's motion for default judgment against Defendants Managed Benefit Plans, Inc.; Joanne Filardo; and William Boudreau ("Defendants") pursuant to Fed. R. Civ. P. 55(b)(2) (Dkt. No. 14); and

it appearing that Plaintiff filed the instant action against Defendants on September 30, 2013, alleging, *inter alia*, that Defendants failed to properly manage and safeguard plan funds in accordance with ERISA Section 502(a), 29 U.S.C. § 1132(a) and ERISA Section 409, 29 U.S.C. § 1109(a) (Dkt. No. 1); and

it appearing that Defendants were served on November 18, 2013 and November 22, 2013 (Dkt. Nos. 4-6) and failed to answer or appear in this action in any manner; and

it appearing that entry of default was entered against Defendants on April 8, 2014; and

it appearing that Plaintiff provided Defendants with written notice of their motion for default judgment (Dkt. No. 14); and

it appearing that Defendants failed to respond to the instant motion and the time for such response having lapsed; and

it appearing that Plaintiff seeks damages in the form of unused funds, penalty fees, costs, and attorney's fees as a result of the Defendants' conduct; and

Plaintiff's submissions having been considered pursuant to Fed. R. Civ. P. 78;

ACCORDINGLY IT IS on this 2nd day of June, 2014

ORDERED that Plaintiff's request for default judgment (Dkt. No. 14) is **GRANTED**; and it is further

ORDERED that Plaintiff has judgment against Defendants, jointly and severally, in the total amount of **\$26,691.85**, which consists of \$26,171.85 in damages and \$520.00 in costs; and it is further

ORDERED that Plaintiff's request for attorney's fees is **DENIED WITHOUT PREJUDICE**; and it is further

ORDERED that Plaintiff may submit a motion requesting attorney's fees within **30 days** of this Order that provides statutory and case law authority for the award of attorney's fees along with proposed findings of fact and conclusions of law supporting such an award; and it is further

ORDERED that the Clerk of the Court **CLOSE** this case.

SO ORDERED.

/s/ Faith S. Hochberg
Hon. Faith S. Hochberg, U.S.D.J.